

STATE OF SOUTH CAROLINA

In the Court of Appeals

Curtis Lemon #256984
Appellant,

Case No. 1998-GS-10-1814

-VS-

Appellant Pro-se Brief in Support
of Anders v. California

State of South Carolina
Respondents

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SC Court of Appeals

Comes now the Appellant Curtis J. Lemon #256984, who respectfully files this Memorandum of Law in support of his Appellant Brief pursuant to Anders v. California, 386 U.S. 738, 744, to protect his Constitutional Rights to be free from the illegal conviction and sentence handed down by the Court of Common Pleas in the Nine Judicial Circuit, County of Charleston South Carolina. The Petitioner has "standing" to Appeal because of the final order handed down by the Court of General Sessions Court decision in the case see: Chapman v. California, where it says: we have no hesitation in saying that the right of these petitioners not to be punished for exercising their Fifth and Fourteenth Amendment right to be silent. Also see: Frazer v. South Carolina, 430 F.3d

696, 706 (4th Cir. 2005) to protect his constitutional rights to be free from the illegal conviction and sentence handed down by the Court of Common Pleas. In Anders v. California, 386 U.S. 738, 744 (1967). States that the constitutional requirement of substantial equality and fair process can only be attained where counsel acts in the role of an active advocate in behalf of his client as opposed to that of *amicus curiae*.

Facts of the Case.

I went to Doctor Burke's office to sign up for his class, and Dr. Burke told me that the first thing I have to do to take his class would be to describe the crime. I told Dr. Burke that I am innocent and can't describe a crime. He told me to take a polygraph test or file a PCR. Dr. Burke gave me Tommy Thompson name and number. Mr. Thompson told that he could not help me with a DNA PCR that if anybody can it will be Ms. Marto. She has already filed the PCR for me.

At my Probation/ESP Hearing I told Judge Lee that I will take the polygraph test. Judge Lee told me that I will have to take the class.

QUESTIONS PRESENTED

Did the State erred in trying to make the Appellant take Dr. Burke's Class and community supervision when the judge in my case did not sentence me to,

Did the state erred for violating my community supervision for not taking the sex offender counseling class. When the court ordered me to take the polygraph only.

Argument for Issues (1) and (2)

PPP sent The Appellant to Dr. Burke to sign up for his class when he got ^{out} of prison, but when they started talking Dr. Burke told appellant that he will have to describe the crime, that appellant told him ^{he} can't describe. Dr. Burke said to take a polygraph test or file a PCA which the appellant did. Which is still pending in the courts today. The appellant contends that he did not violate ~~the~~ community supervision because he was only doing what Dr. Burke told me to do. The Appellant pleaded not guilty in court, but in order to attend Dr. Burke's class he would have to confess to something that he did not do this is in violation of his Fifth Amendment Due Process Rights under the Equal Protection of the Law Rights.

OF the United States Constitution as well as the South Carolina Constitution. In reality the PPP and the Circuit Court are trying to make the appellant confess to a crime that he plead not guilty to by sending him to prison. The court also stated that Code 24-21-560 (2010) that came into effect July, 1, 2010 applied to his case, but the appellant was convicted on March 19, 1999 when the trial judge had to order that you had to be on community supervision or take Dr. Burke's class of which the appellant was not ordered to take part in said program. See: Amendment number 5, § 296 Probation Revocation Proceedings States in its pertinent parts: Inasmuch as neither an order granting immunity was ever sought nor obtained and because revocation proceedings were not criminal in nature the use of Appellant testimony in a criminal proceeding against himself would violate his Fifth amendment Rights to Due Process of Law.

On December 18, 2023. The Honorable Jennifer McCoy ordered appellant to take a polygraph test, not to take Dr. Burke's class. At my hearing I said that I will take the polygraph test but Judge Lee said that I will have to take Dr. Burke's class. The arrest warrant is attach on back.

CONCLUSION

For the reasons specified in this Brief in support of his Constitutional Rights the Appellant submits that his rights be restored and he be released from prison asap. The Appellant Forever Prays.

Curtis Lemon

CURTIS LEMON

Community Supervision

ARREST WARRANT

Indictment Number: 98-GS-10-01815, 98-GS-10-01814

Warrant Number: W-10-24-0001

State Identification No. (SID) 00160348

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STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

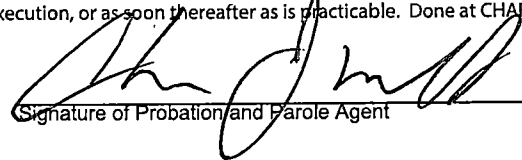
TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF CHARLESTON, AND ANY CONSTABLE OF THIS
MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that CURTIS JEROME LEMON, did on the 2 day of January, 2024 violate the
criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

The offender has knowingly and willfully violated conditions 10 as proscribed by the Department. Due to the violation of said conditions the offender is subject to the issuance of an arrest warrant or citation pursuant to Section 24-21-560 of the South Carolina Code of Laws.

Now, therefore, you are empowered and directed to arrest the said defendant and bring CURTIS JEROME LEMON before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at CHARLESTON, S. C. this 2 day of January, 2024.



Signature of Probation and Parole Agent (L.S.)

County of CHARLESTON

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Chevis Sheriff, who, first being duly sworn, deposes and says that CURTIS JEROME LEMON did within this County and State on the 2 day of January, 2024 violate the criminal laws of the State of South Carolina in the following particulars:

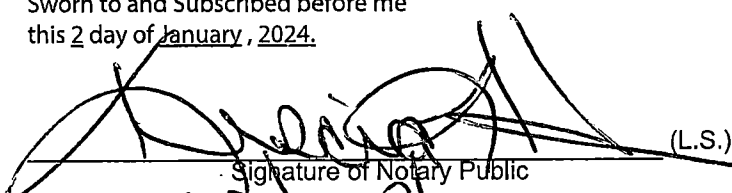
DESCRIPTION OF OFFENSE:

The offender has knowingly and willfully violated conditions 10 as proscribed by the Department. Due to the violation of said conditions the offender is subject to the issuance of an arrest warrant or citation pursuant to Section 24-21-560 of the South Carolina Code of Laws.

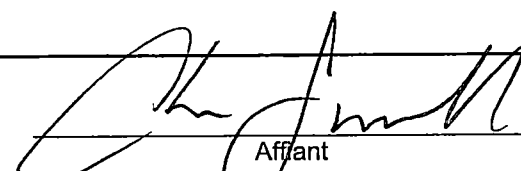
The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

Failure to comply with a specific court-ordered condition to schedule and complete a polygraph assessment. On January 2, 2024, when questioned regarding his adherence to the court order, Mr. Lemon explicitly refused to schedule or complete the polygraph assessment as mandated by the court. This refusal directly contravenes the specific order issued. Such actions constitute violation of conditions 10.

Sworn to and Subscribed before me
this 2 day of January, 2024.



Signature of Notary Public (L.S.)
12/29/2026
My Commission Expires



Affiant

Address: 4050 BRIDGE VIEW DRIVE
SUITE 100
NORTH CHARLESTON, SC 29405
(843) 740-1553

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

THE STATE against

CURTIS JEROME LEMON

ARREST WARRANT

Offense: Violation of Conditions of Community Supervision Supervision

Offense Section: 24-21-560

Date: 1/2/2024

Officer and Agency: SC Department of Probation, Parole and Pardon Services

Chevis Sheriff

Disposition

Sentence

Co-Defendants

INFORMATION ON DEFENDANT

Name CURTIS JEROME LEMON
Address 1781 RIVERLAND DR CHARLESTON, SC 29412
Phone (843) 437-3981
Sex Male Race Black Height 510
Weight 194 Birth date 10/24/1957
Social Security Number

INFORMATION ON WITNESSES

Name
Address
Phone
Name
Address
Phone
Name
Address
Phone
Name
Address
Phone

PRELIMINARY HEARING held by

Magistrate
on
with
Attorney for the Defendant.

Decision
Date Set
Magistrate
Amount
Surety

BAIL

Constable or Law Enforcement Officer

A copy of this Arrest Warrant was delivered by me to the following defendant:

Curtis Lemon

on the 2 day of Jan. 2024

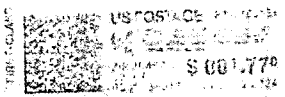
Constable or Law Enforcement Officer

This Warrant is certified for service in [County of warrant Certification] County. The accused is to be arrested and brought before me to deal with according to law.

(L.S.)

Signature of Judge

Curtis Lemon # 256984
MacDougall CJ M-2-D-16-A
1516 Old Gilliard Road
Ridgeville SC 29472



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South Carolina Court of Appeals
P.O. Box 11629
Columbia SC 29211